

REMARKS

This Amendment is filed in response to the Office action dated 22 December 2004, which sets a shortened statutory period of reply of three months, making this Amendment due, without requiring the payment of any extension fees, on or before 22 March 2005. Upon entry of the present amendments, claims 1-29 are pending.

In the Office action, claim 6 was objected to as being in improper form under 37 C.F.R. 1.75(c). In response thereto, Applicant herein amends and asserts that claim 6 is now in proper form.

Further, claims 1 and 3-7 were rejected under 35 U.S.C. 102(e) as being anticipated by Judson, U.S. Patent No. 5,572,643. Applicant respectfully traverses this rejection and asserts that in view of the present amendments to the claims, each and every element of the pending claims is not anticipated by Judson. In particular, Applicant notes that Judson does not teach a system comprising "a module configured to present at least one message prior to completing display of the information and based upon an expected time period", as recited in amended claim 1. Therefore, for at least this reason, claim 1 and claims 3-7, which variously depend from claim 1, are patentable over the cited prior art of record. Applicant respectfully requests expedited allowance of such claims.

The Office Action also provides that claims 2 and 8 are obvious under 35 U.S.C. 103(a) over Judson in view of Dedrick, U.S. Patent No. 5,604,542. Applicant respectfully traverses this rejection and asserts that, in view of the present amendments to the claims, this rejection is now moot. Judson and Dedrick, separate or combined, do not teach, mention, disclose or suggest a system for providing node targeted content in an addressable network which comprises "a module configured to present at least one message prior to completing display of the information and based upon an expected time period." Therefore, each of claims 2 and 8 are also patentable over the prior art of record for at least the above reasons.

Last, regarding claims 9-29, Applicant notes that each of these claims recite a system or method which includes "a first module configured to determine a time period available for presenting one or more messages" or the step of "estimating a first time period necessary to retrieve the content from the Internet site." For at least these reasons, each of claims 9-29 are patentable over the cited prior art of record. Further, neither Judson nor Dedrick discusses the determining or estimating of time periods, the use of "a second module configured to present at least one message during the time period" or the step of "presenting the message during at least a portion of the first time period." Therefore, each of claims 9-29 are also patentable over the cited prior art of record.

For the foregoing reasons, Applicant contends that each of the pending claims, as amended herein, is patentable over the prior art of record and respectfully requests the Examiner to issue a Notice of Allowance for the same.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or otherwise desires to discuss the present matter with Applicant's attorney, please contact the undersigned attorney at (303) 260-6362.

Dated: 3/22/05.

Respectfully submitted,



John T. Kennedy, Registration No. 42,717
Attorney for Applicant
USPTO Customer No. 20686

DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel: 303-629-3400
Fax: 303-629-3450